

MONDAY, MARCH 17, 2003

NINETEENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by the Reverend Ron Davidson of Shiloh Baptist Church in Adamsville, Tennessee, a guest of Mr. Speaker Wilder.

PLEDGE OF ALLEGIANCE

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

MOTION

Senator Herron moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 48**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 48 -- Memorials, Death -- Ben Marlin Gaines, Sr.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 48** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

PRESENTATION

Senator Herron presented **Senate Joint Resolution No. 48** to the family of Ben Gaines.

Senator Jackson presented **Senate Joint Resolution No. 29** to Brandon Holt, **Senate Joint Resolution No. 30** to Joshua Deal and **House Joint Resolution No. 76** to Jonathon Moss.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 1996 by Mr. Speaker Wilder.

Bells -- Subject to local approval, establishes position of vice mayor. Amends Chapter 80 of the Private Acts of 1993.

Senate Bill No. 1997 by Mr. Speaker Wilder.

Fayette County -- Subject to local approval, modifies certain provisions within Fayette County adequate facilities tax. Amends Chapter 69 of the Private Acts of 2001.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1672 -- Sequatchie County -- Subject to local approval, repeals private purchasing acts.

House Bill No. 2062 -- Hickman County -- Subject to local approval, authorizes levy and collection of privilege tax on new residential, industrial and commercial development.

House Bill No. 2066 -- Hardeman County -- Subject to local approval, removes requirement of purchase order and requisition for expenditures of less than \$300. Amends Chapter 68 of the Private Acts of 1937; as amended.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 179 by Senator McLeary.

Memorials, Death -- Eugene Woolfork.

Senate Joint Resolution No. 180 by Senator Fowler.

General Assembly, Statement of Intent or Position -- Urges CBS to cease production of "The Real Beverly Hillbillies" reality television show.

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Senate Joint Resolution No. 181 by Senator Williams.

General Assembly, Statement of Intent or Position -- Urges popular election of director of schools in Jefferson County.

Senate Joint Resolution No. 182 by Senators Crutchfield, Fowler and Crowe.

Memorials, Personal Achievement -- Joe Adkins.

Senate Joint Resolution No. 183 by Senator Miller.

Memorials, Professional Achievement -- 100 Black Men of Bradley County, Inc.

Senate Joint Resolution No. 184 by Mr. Speaker Wilder, Senators Crutchfield, Atchley, Haynes, Ramsey and Graves.

Memorials, Congress -- Urges passage of H.R. 720 (the Sales Tax Equity Act of 2003) by Representative Brady, et al, to amend Internal Revenue Code of 1986 to allow deduction of state and local sales taxes in lieu of state and local income taxes.

Senate Joint Resolution No. 185 by Mr. Speaker Wilder, Senators Crutchfield, Atchley, Haynes, Ramsey and Graves.

Memorials, Government Officials -- Invites U.S. Senator Bill Frist to address joint session of General Assembly on federal health care reforms, deductability of state sales tax from federal income tax, and underfunded and unfunded federal mandates.

RESOLUTIONS LYING OVER

House Joint Resolution No. 147 -- Memorials, Professional Achievement -- John and Jennifer Smith, National Young Farmer and Rancher Achievement Award.

The Speaker announced that he had referred House Joint Resolution No. 147 to Committee on Calendar.

House Joint Resolution No. 148 -- Memorials, Public Service -- McMinn County High School.

The Speaker announced that he had referred House Joint Resolution No. 148 to Committee on Calendar.

House Joint Resolution No. 149 -- Memorials, Personal Achievement -- Brittany McGruder, Prudential Spirit of Community Award Distinguished Finalist.

The Speaker announced that he had referred House Joint Resolution No. 149 to Committee on Calendar.

House Joint Resolution No. 150 -- Memorials, Personal Occasion -- Henry Hoodenpyle, 109th birthday.

The Speaker announced that he had referred House Joint Resolution No. 150 to Committee on Calendar.

House Joint Resolution No. 151 -- Memorials, Professional Achievement -- Herman Tacker.

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The Speaker announced that he had referred House Joint Resolution No. 151 to Committee on Calendar.

House Joint Resolution No. 152 -- Memorials, Personal Achievement -- Joshua Steven Latta, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 152 to Committee on Calendar.

House Joint Resolution No. 153 -- Memorials, Personal Achievement -- Daniel Kremer, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 153 to Committee on Calendar.

House Joint Resolution No. 154 -- Naming and Designating -- "West Tennessee Polled Hereford Association Day", March 15, 2003.

The Speaker announced that he had referred House Joint Resolution No. 154 to Committee on Calendar.

House Joint Resolution No. 155 -- Memorials, Public Service -- City of Tullahoma Tree Board.

The Speaker announced that he had referred House Joint Resolution No. 155 to Committee on Calendar.

House Joint Resolution No. 156 -- Memorials, Congratulations -- Better Business Bureau of Middle Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 156 to Committee on Calendar.

Senate Joint Resolution No. 173 -- Memorials, Academic Achievement -- Kelli M. Wilkerson, Valedictorian, Celina High School.

The Speaker announced that he had referred Senate Joint Resolution No. 173 to Committee on Calendar.

Senate Joint Resolution No. 174 -- Memorials, Academic Achievement -- Jin Shi, Salutatorian, Hendersonville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 174 to Committee on Calendar.

Senate Joint Resolution No. 175 -- Memorials, Academic Achievement -- Megan Swann, Salutatorian, Macon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 175 to Committee on Calendar.

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Senate Joint Resolution No. 176 -- Memorials, Academic Achievement -- Lori Rose Dowell, Valedictorian, Smith County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 176 to Committee on Calendar.

Senate Joint Resolution No. 177 -- Memorials, Academic Achievement -- Joseph Do, Valedictorian, Lebanon High School.

The Speaker announced that he had referred Senate Joint Resolution No. 177 to Committee on Calendar.

Senate Joint Resolution No. 178 -- Memorials, Academic Achievement -- Joanne D'Onofrio, Salutatorian, Mt. Juliet High School.

The Speaker announced that he had referred Senate Joint Resolution No. 178 to Committee on Calendar.

MESSAGE FROM THE HOUSE

March 14, 2003

MR. SPEAKER: I am directed to request the return of Senate Joint Resolution No. 126, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Henry moved that the Senate recall from the Governor **Senate Joint Resolution No. 126**, which motion prevailed.

MOTION

Senator McLeary moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 179**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 179 -- Memorials, Death -- Eugene Woolfork.

On motion of Senator McLeary, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 179** was adopted.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

Objections having been raised, the following resolutions were placed at the heel of the calendar for Wednesday, March 19, 2003, pursuant to Rule 38: **Senate Joint Resolutions Nos. 150, 151, 163, 164 and 168.**

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House Joint Resolution No. 143 -- Memorials, Death -- Terri Rae Miller.

House Joint Resolution No. 144 -- Memorials, Academic Achievement -- Jeanne D'Onofrio, Salutatorian, Mt. Juliet High School.

House Joint Resolution No. 145 -- Memorials, Academic Achievement -- Joshua Garrett, Valedictorian, Mt. Juliet High School.

Senate Resolution No. 20 -- Memorials, Death -- Gertrude Grubb Janeway.

Senate Joint Resolution No. 141 -- Memorials, Personal Achievement -- Michael Claridy, Prudential Spirit of Community Award.

Senate Joint Resolution No. 143 -- Memorials, Personal Achievement -- Thomas Ray Whitehead, graduation.

Senate Joint Resolution No. 145 -- Memorials, Personal Occasion -- Teresa Shortt & Edward Herbert, marriage.

Senate Joint Resolution No. 146 -- Memorials, Public Service -- Marie Bush.

Senate Joint Resolution No. 149 -- Memorials, Academic Achievement -- Melissa Harmon, Salutatorian, Mt. Juliet Christian Academy.

Senate Joint Resolution No. 152 -- Memorials, Academic Achievement -- Lindsay Speck, Valedictorian, Mt. Juliet Christian Academy.

Senate Joint Resolution No. 153 -- Memorials, Academic Achievement -- Jodi Michele Bogle, Salutatorian, Cannon County High School.

Senate Joint Resolution No. 154 -- Memorials, Academic Achievement -- Amanda K. Nickerson, Valedictorian, Cannon County High School.

Senate Joint Resolution No. 155 -- Memorials, Academic Achievement -- Shellie Sullins, Valedictorian, Cannon County High School.

Senate Joint Resolution No. 156 -- Memorials, Academic Achievement -- Lauren Robinson, Salutatorian, DeKalb County High School.

Senate Joint Resolution No. 157 -- Memorials, Academic Achievement -- Adam Moore, Valedictorian, DeKalb County High School.

Senate Joint Resolution No. 158 -- Memorials, Academic Achievement -- Karen Baer, Valedictorian, Wilson Central High School.

Senate Joint Resolution No. 159 -- Memorials, Academic Achievement -- Austin Kimball, Salutatorian, Hendersonville High School.

Senate Joint Resolution No. 160 -- Memorials, Academic Achievement -- Shelby Kain, Valedictorian, Hendersonville High School.

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Senate Joint Resolution No. 161 -- Memorials, Academic Achievement -- Ashley Porter, Salutatorian, Red Boiling Springs High School.

Senate Joint Resolution No. 162 -- Memorials, Academic Achievement -- Dustin Knight, Valedictorian, Red Boiling Springs High School.

Senate Joint Resolution No. 165 -- Memorials, Academic Achievement -- Mari Billington, Salutatorian, Smith County High School.

Senate Joint Resolution No. 166 -- Memorials, Academic Achievement -- Amanda Wilbert, Salutatorian, Lebanon High School.

Senate Joint Resolution No. 167 -- Memorials, Academic Achievement -- Keshia Poindexter, Salutatorian, Celina High School.

Senate Joint Resolution No. 169 -- Memorials, Academic Achievement -- Mary Brown, Valedictorian, Macon County High School.

Senate Joint Resolution No. 171 -- Memorials, Academic Achievement -- Jessica Comer, Salutatorian, Wilson Central High School.

Senate Joint Resolution No. 172 -- Memorials, Death -- Marvin Posey.

Senator Crowe moved that all Senate Resolutions and Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 291 -- Traffic Safety -- Revises regulations governing safety standards for passenger contract carriers. Amends TCA Title 55, Chapter 20.

Senate Bill No. 301 -- Human Rights -- Transfers Title VI enforcement duties and powers from human rights commission to Title VI compliance commission. Amends TCA Title 4, Chapter 21.

Senate Bill No. 578 -- Traffic Safety -- Clarifies circumstances when driver is required to stop at railroad crossing. Amends TCA Section 55-8-145.

Senate Bill No. 579 -- Railroads -- Repeals certain provisions dealing with railroads. Repeals TCA Section 65-12-101 and Title 65, Chapter 16.

Senate Bill No. 838 -- Medical Occupations -- Revises health related clinical activities or services which may be practiced by psychological examiner or senior psychological examiner to be psychotherapy behavior analysis techniques instead of psychotherapy techniques. Amends TCA Title 63, Chapter 11.

Senate Bill No. 1047 -- Hospitals and Health Care Facilities -- Subjects hospitals that fail to file timely and adequate joint annual report with Department of Health to deficiency that requires corrective action plan or additional possible disciplinary action. Amends TCA Title 68, Chapter 11.

Senate Bill No. 1690 -- Codes -- Adds International Building and International Fire codes to lists of building construction and fire prevention codes which may be adopted by local governments as part of building construction safety standards. Amends TCA Section 68-120-101.

Senate Bill No. 1789 -- Highway Signs -- "Merchants/Greene Boulevard", unbuilt segment of S.R. 66 in Hamblen County.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

LOCAL BILL **CONSENT CALENDAR**

Senate Bill No. 1989 -- Blount County -- Subject to local approval, makes revisions concerning hotel/motel tax. Amends Chapter 102 of the Private Acts of 1979.

On motion, Senate Bill No. 1989 was made to conform with **House Bill No. 2067**.

On motion, House Bill No. 2067, on same subject, was substituted for Senate Bill No. 1989.

Senate Bill No. 1880 -- Lake County -- Subject to local approval, requires Lake County board of highway commissioners rather than county commission to appoint county superintendent of highways. Amends Chapter 262 of the Private Acts of 1980; as amended.

On motion, Senate Bill No. 1880 was made to conform with **House Bill No. 1798**.

On motion, House Bill No. 1798, on same subject, was substituted for Senate Bill No. 1880.

Senate Bill No. 1985 -- Hardeman County -- Subject to local approval, deletes "county judge" and "county executive" references to title of chief executive officer of county from charter and renames position "county mayor". Amends Chapter 482 of the Private Acts of 1919; as amended.

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On motion, Senate Bill No. 1985 was made to conform with **House Bill No. 2065**.

On motion, House Bill No. 2065, on same subject, was substituted for Senate Bill No. 1985.

Senator Crowe moved that all House Bills be passed on third and final consideration which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved to lift from the table a motion to reconsider Consent Calendar No. 2, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

Senator Crowe moved that the Senate reconsider its action in adopting Consent Calendar No. 2, which motion prevailed.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, March 19, 2003, pursuant to Rule 38: **Senate Bill No. 578**.

Senate Bill No. 291 -- Traffic Safety -- Revises regulations governing safety standards for passenger contract carriers. Amends TCA Title 55, Chapter 20.

Senate Bill No. 301 -- Human Rights -- Transfers Title VI enforcement duties and powers from human rights commission to Title VI compliance commission. Amends TCA Title 4, Chapter 21.

Senate Bill No. 579 -- Railroads -- Repeals certain provisions dealing with railroads. Repeals TCA Section 65-12-101 and Title 65, Chapter 16.

Senate Bill No. 838 -- Medical Occupations -- Revises health related clinical activities or services which may be practiced by psychological examiner or senior psychological examiner to be psychotherapy behavior analysis techniques instead of psychotherapy techniques. Amends TCA Title 63, Chapter 11.

Senate Bill No. 1047 -- Hospitals and Health Care Facilities -- Subjects hospitals that fail to file timely and adequate joint annual report with Department of Health to deficiency that requires corrective action plan or additional possible disciplinary action. Amends TCA Title 68, Chapter 11.

Senate Bill No. 1690 -- Codes -- Adds International Building and International Fire codes to lists of building construction and fire prevention codes which may be adopted by local governments as part of building construction safety standards. Amends TCA Section 68-120-101.

Senate Bill No. 1789 -- Highway Signs -- "Merchants/Greene Boulevard", unbuilt segment of S.R. 66 in Hamblen County.

Senator Crowe moved that Consent Calendar No. 2 be adopted, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 176 -- Motor Vehicles -- Prohibits exhibition of obscene or patently offensive movies or videotapes on or within motor vehicle if such exhibition is visible to other drivers; imposes fine from \$2.00 to \$50.00 for violation. Amends TCA Section 55-8-187.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-187, is amended by deleting the language "patently offensive bumper stickers, window signs, or other markings on a motor vehicle" and by substituting instead the language "patently offensive movies, bumper stickers, window signs or other markings on, or in, a motor vehicle".

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 176**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0
Present, not voting . . .	1

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

Senator present and not voting was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 280 -- Agriculture -- Exempts person who makes infrequent casual sales of honey or who sells less than 150 gallons of honey per year from regulations applicable to other food service establishments. Amends TCA Title 53.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the introduced bill and substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 53-8-203(7), is amended by adding the following as a new, appropriately designated subdivision:

(C) "Retail food store" does not include a person who makes infrequent casual sales of honey or who packs or sells less than one hundred fifty (150) gallons of honey per year.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 280**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 662** be placed on the calendar for Monday, March 24, 2003, which motion prevailed.

Senator Person moved that **Senate Bill No. 791** be placed on the calendar for Thursday, March 20, 2003, which motion prevailed.

Senator Person moved that **Senate Bill No. 792** be placed on the calendar for Thursday, March 20, 2003, which motion prevailed.

Senator Ford moved that **Senate Bill No. 822** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Senate Bill No. 991 -- Medical Occupations -- Authorizes physician serving as U.S. Public Health Service Commissioned Officer who is trained as National Health Service Corps Ready Responder to practice medicine at federally qualified health centers while pursuing licensure to practice medicine in this state. Amends TCA Title 63, Chapter 6.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety all of the amendatory language of Section 1 of the printed bill and by substituting instead the following:

A physician serving as a U.S. Public Health Service Commissioned Officer who is trained as a National Health Service Corps Ready Responder shall be authorized to practice medicine at federally qualified health centers while pursuing licensure as provided in this part under the following conditions:

(1) The physician has first filed an application for licensure as provided in this part; and

(2) The physician, prior to commencing practice, submits a written statement to the board that all of the physician's medical licenses, including the authority to practice in U.S. Public Health Service, are unencumbered by disciplinary actions, unresolved disciplinary complaints or unresolved medical malpractice lawsuits; and

(3) The physician timely complies with all board rules governing the application process and immediately ceases practicing medicine until a license is subsequently granted should the initial licensure application be closed either for failure to provide timely required information or is denied by the board.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 991**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1452 -- Motor Vehicles -- Removes Tennessee registration requirement for motor vehicles covered under lemon law and removes antique vehicles from lemon law and puts

back in passenger motor vehicles; adds definitions of "motor vehicle" and "person" for purposes of lemon law. Amends TCA Section 55-24-201(3).

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-24-201(3), is amended by deleting the language "state of Tennessee," and by substituting instead the language "state of Tennessee, or subject to similar registration and certificate of title provisions in another state,".

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1452**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1580 -- Business Organizations -- Permits chiropractors and physicians to form and own shares in same professional corporation or same professional limited liability company so long as such persons conform their practice to the profession's ethical standards and accurately state their professional credentials in any public advertising. Amends TCA Section 48-101-610 and Section 48-248-401.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause in the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-101-610(d), is amended by adding the following language as a new item (3):

(3) Doctors of chiropractic licensed under Title 63, Chapter 4, and physicians licensed under Title 63, Chapter 6 or 9, except radiologists, pathologists, and anesthesiologists.

SECTION 2. Tennessee Code Annotated, Section 48-248-401(d), is amended by adding the following language as a new item (3):

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(3) Doctors of chiropractic licensed under Title 63, Chapter 4, and physicians licensed under Title 63, Chapter 6 or 9, except radiologists, pathologists, and anesthesiologists.

SECTION 3 This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1580**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Dixon moved that **Senate Bill No. 764** be placed on the calendar for Thursday, March 20, 2003, which motion prevailed.

Senate Resolution No. 13 -- Memorials, Government Officials -- Urges TennCare and Department of Education to submit Medicaid Administrative Claim Program Implementation Plan to Center for Medicare and Medicaid Services.

Senate Resolution No. 13 was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 149** first on the calendar for the Committee on Government Operations for Wednesday, March 19, 2003, which motion prevailed by the following vote:

Ayes 31
Noes 0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

MOTION

On motion of Senator Graves, her name was added as prime sponsor of **Senate Joint Resolutions Nos. 158, 159, 160 and 174.**

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 48.**

On motion of Senators Williams and Dixon, their names were added as sponsors of **Senate Bill No. 991.**

On motion of Senators Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kurita, Kyle, McLeary, Trail, Walker, Person and Mr. Speaker Wilder, their names were added as sponsors of **Senate Joint Resolution No. 146.**

On motion, all Senators' names were added as sponsors of **Senate Bill No. 280.**

On motion, all Senators' names were added as sponsors of **Senate Bill No. 1452.**

On motion of Senator Cohen, his name was added as sponsor of **Senate Bill No. 1654.**

On motion of Senators Fowler, Burks and McNally, their names were added as sponsors of **Senate Resolution No. 13.**

On motion of Senator Henry, his name was added as sponsor of **Senate Bills Nos. 1279, 1991, 1992 and 1994.**

On motion of Senator Williams, his name was added as sponsor of **Senate Bill No. 1580.**

ENGROSSED BILLS

March 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 48, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

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MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157,

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158, 159, 160, 161, 162, 165, 166, 167, 169 and 171; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 172, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 176, 280, 291, 301, 579, 838, 991, 1047, 1452, 1580, 1690 and 1789; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 179, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 36, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 341, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 677, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 28, 230, 269, 276, 287, 512, 529, 585, 1251, 1258 and 2046; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 48, 172 and 179, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 132, 133, 134, 135, 136, 137 and 138; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 26 and 157, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 18, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 36, 341 and 677; Senate Resolutions Nos. 13 and 20; and Senate Joint Resolutions Nos. 48, 132, 133, 134, 135, 136, 137, 138, 172 and 179; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 297, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 18, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 143, 144 and 145, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 18, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1798, 2065 and 2067, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

March 17, 2003

The Speaker announced that he had signed the following: Senate Bill No. 292.

SIGNED

March 18, 2003

The Speaker announced that he had signed the following: House Bill No. 297.

SIGNED

March 18, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 36, 341 and 677; Senate Resolutions Nos. 13 and 20; Senate Joint Resolutions Nos. 48, 132, 133, 134, 135, 136, 137, 138, 172 and 179; and House Joint Resolutions Nos. 143, 144 and 145.

MESSAGE FROM THE HOUSE

March 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 292, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MONDAY, MARCH 17, 2003 -- 19TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 18, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 48, 132, 133, 134, 135, 136, 137, 138, 172 and 179; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 18, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 36, 341 and 677; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 14, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 130, 139, 140 and 170; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 18, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 292; and Senate Joint Resolutions Nos. 48, 132, 133, 134, 135, 136, 137, 138, 172 and 179; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

March 18, 2003

Honorable Phil Bredesen
Governor of Tennessee
State Capitol
Nashville, Tennessee

Dear Governor Bredesen:

I have been requested by the Senate to recall Senate Joint Resolution No. 126, for further consideration.

Thank you for your consideration.

Sincerely,
/s/ Russell A. Humphrey
Chief Clerk

MESSAGE FROM THE GOVERNOR

March 17, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 55, 87 and 325; and Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124 and 125; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 18, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 126, recalled per request of Senate.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 18, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 179, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, March 19, 2003: Senate Joint Resolutions Nos. 150, 151, 163, 164 and 168; and Senate Bills Nos. 374 and 578.

This the 17th day of March, 2003.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, March 20, 2003, which motion prevailed.